

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE ENROLLED ACT No. 554

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-13-2-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, ~~for delivery in Indiana~~ **including a person who sells directly by the Internet or other computer network**, at least twelve (12) vehicles each year **for delivery in Indiana**. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) A person who is a dealer solely because of activities as a transfer dealer.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6) boats per year.

SECTION 2. IC 9-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) An application for a license under this chapter must:

- (1) be accompanied by the fee required under IC 9-29-8;
- (2) be on a form prescribed by the bureau; and
- (3) contain the information the bureau considers necessary to

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enable the bureau to determine fully the following information:

- (A) The qualifications and eligibility of the applicant to receive the license.
- (B) The location of each of the applicant's places of business in Indiana.
- (C) The ability of the applicant to conduct properly the business for which the application is submitted.
- (b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.
- (c) **An applicant who proposes to use the Internet or other computer network in aid of its sale of motor vehicles to consumers in Indiana, which activities may result in the creation of business records outside Indiana, shall provide the division with the name, address, and telephone number of the person who has control of those business records. The bureau may not issue a license to a dealer who transacts business in this manner who does not have an established place of business in Indiana.**

(d) This subsection applies to an application for a license as a dealer in a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000). The application must include an affidavit from:

- (1) the person charged with enforcing a zoning ordinance described in this subsection; or
- (2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the bureau may not issue a license until the applicant files the affidavit.

SECTION 3. IC 9-23-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify the bureau within ten (10) days and remit the fee required under IC 9-29-8. The bureau shall endorse that change on the license if the bureau determines that the change is not subject to other provisions of this article.

(c) **A dealer who uses the Internet or other computer network**

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to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the bureau within ten (10) days upon any change in the name, address, or telephone number of business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-8-5.

(d) This subsection applies to a dealer in a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000). A dealer who wants to change a location must submit to the bureau an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The bureau may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

~~(d)~~ (e) For the purpose of this section, an offsite license issued under section 7 of this chapter does not constitute a change of location.

SECTION 4. IC 9-23-2-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15. A dealer who sells a motor vehicle through the use of the Internet or other computer network shall deliver the motor vehicle to the customer at the place of business of the dealer in Indiana.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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